31

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2164 of 2007

Petitioner Subhash Pati aged about 52 years, S/o Shri Antu Pati, Occupation- State Government Service (Multipurpose Worker) at village and Sub Centre Chiprikona, community Health Centre, Basna, P.S. and Tahsil- Basna, District Mahasamund [C.G.]

Versus

Respondents

1. State of Chhattisgarh, through Secretary, Medical and Health Department, D.K.S. Bhawan, Raipur [C.G.]
2. Chief Medical and Health Officer, Mahasamund, District Mahasamund [C.G.]
3. Block Medical Officer, Community Health Centre, Basna, District Mahasamund [C.G.]
4. Collector, District Mahasamund [C.G.]
5. Jaipal Baghel, aged about 56 years, S/o Piyari Baghel, R/o village Chiparikona, Sarpanch of Gram Panchayat- Chiparikona, Post Bhawarpur, Tahsil- Basna, District Mahasamund [C.G.].

Single Bench: Hon'ble Mr. **Justice Satish K. Agnihotri.**

Present: Mr. Vishwanath Goswami, Advocate for the petitioner.
Mr. Ajay Dwivedi, Panel Lawyer for State/respondents No. 1 to 4.

O R D E R

(Passed on 10th Day of April, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner was appointed as Multipurpose Worker at Village and Sub Centre Chiparikona, Block- Basna, District- Mahasamund. The services of the petitioner was placed at Sub Centre Khoksa during the pendency of the

(32)

enquiry against him, vide order dated 15.1.2007 (Annexure P-I) passed by the respondent No. 2.

2. Learned counsel appearing for the petitioner submits that the petitioner has been exonerated in the enquiry, without giving any information even under the provisions of Right to Information Act. The petitioner questions about his temporary posting at Sub centre Khoksa during enquiry.

3. I have heard learned counsel appearing for the petitioner and gone through the pleadings and documents appended thereto. It appears that enquiry is not yet complete, as no punitive order has been passed against the petitioner. The attempt on the part of the petitioner to obtain a copy of the enquiry report has no basis, as it appears that no enquiry report can be given if enquiry is incomplete. It is found that the impugned order dated 15.1.2007 is neither a transfer order nor an order for removal, being punitive in nature.

4. In view of the pending enquiry, the petitioner has been posted at different Sub Health Centre within the same district for smooth conduct of the enquiry.

5. This petition is pre-mature and lacks material facts for indulgence of this Court. Accordingly, this petition is dismissed.

Sd/-
Satish K. Agnihotri
Judge